

REMARKS

This is in response to the Office Action mailed on December 13, 2004. Claims 1-6, 8-17, 19-21, 23-27 and 34-42 are pending in the application. Claims 1-6, 8-11, 15, 23, 24, 26 and 34-42 were rejected. Claims 16, 17 and 19-21 were allowed and claims 12-14, 25 and 27 were indicated to be allowable if rewritten in independent form.

Applicants have amended claims 1, 4, 9, 12, 24, 26, 35-36, 38, 40 and 42 and have cancelled claim 27. Applicants respond to the Office Action as follows.

**Response to Claim Rejections-35 U.S.C § 102**

Claims 1-6, 8, 15, 34-40 and 42 were rejected under 35 U.S.C § 102(b) as being anticipated by Lund (U.S. Patent No. 5,891,246).

Claims 1-6, 8, 15, 34-39 and 42 were rejected on the basis that Lund shows a cone shaped portion 30, flange portion 40 extending around the cone shaped portion and fan or blade(s) 20b or 20c spaced from the flange. As disclosed in Lund, cone shaped portion 30 forms the rotating seed dispersing member 18 and blades 20b or 20c form an air curtain producing device 20 below the dispersing member 18. As described, seed is fed into apparatus 10 of Lund and travels by gravity from input 12 to the dispersing member 18, from the dispersing member 18 to the air curtain producing device 20 and from the air curtain producing portion 20 to an outlet 16.

Claims 1-6, 8, 15, 34-35 and 42 as amended recite *inter alia* a dispenser including a dispenser carousel having a flange separating an inlet side and outlet side of the dispenser carousel and the dispenser including a blade on an inlet side of the dispensing carousel to dispense material. In Lund, fan or blades 20b or 20c of the air curtain producing device are below

or on the outlet side of the dispersing member 18 to form the air curtain below the dispensing member 18 and flange 30. Blades or fan 20b or 20c of Lund are not formed on an inlet side to disperse material as set forth in the claims and thus allowance thereof is respectfully requested.

Claims 36 - 39 as amended recite *inter alia* a plurality of blades supported to interface with the flange to dispense material. As described above, blades or fan 20b or 20c form the air curtain producing device 20 below the dispersing member 18 and do not interface with the flange 30 to dispense material as claimed. Dependent claims 37-39 include additional limitations and allowance thereof are respectfully requested.

Claim 40 as amended, recites a casing including at least one elongate rib formed on an inner wall of the casing. Claim 40 was rejected on the basis that part 40 of Lund is an elongate rib. As described in Lund, part 40 is a frustoconical top of dispersing member 18. Dispersing member 18 is rotatable in casing 14 and is not formed along an inner wall of the casing. Lund does not teach a rib formed along on an inner wall of the casing 14 as recited in claim 40. Accordingly, Applicants respectfully request allowance of claim 40.

Claims 9, 10, 24 and 26 were rejected under 35 U.S.C. § 102(b) as being anticipated by Leight (U.S. Patent No. 5,285,925). Claims 9-10 as amended recite a closure slidably disposed relative to a dispensing opening wherein the closure is movable in a first direction to open the dispensing opening of the material container and movable in a second direction opposite the first direction to close the dispensing opening of the material container. Leight does not teach the closure as claimed.

In Leight, the container is opened via a release device (part 34) which is pulled to open the container. Leight does not

teach a closure movable in a second direction opposite the first direction to close the dispensing opening of the material container as recited in amended claims 9-10. Accordingly allowance of claims 9-10 is respectfully requested.

Claim 24 as amended recites a method of dispensing material which as amended includes the steps of removing a cover of a container and replacing the cover of the container so that the content of the container is closed. Leight neither teaches nor suggests the step of replacing the cover as recited in claim 24 and thus allowance thereof is respectfully requested.

Claim 26 recites a method of dispensing material which as amended includes the step of closing the container and unloading the container. In Leight, a release mechanism is pulled to open the container and Leight does not teach the step of closing the container and unloading the container as recited claim 26. Accordingly, allowance of claim 26 is respectfully requested.

**Response to Claim Rejections - 35 U.S.C. § 103**

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Leight on the basis that while Leight lacks the taper from the second to the first end it would have been obvious to one of ordinary skill in the art to taper the container in order to promote a measured flow out of the container.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Applicants

respectfully submit that the Examiner has failed to establish a prima facie basis to reject claim 11 under 35 U.S.C. § 103(a).

Leight does not provide any teaching or suggestion that the container could be tapered outwardly from the second closed end to the first end. The Office Action states that it would have been obvious to taper the container to promote a measured flow without consideration of the limitation that the container tapers outwardly from the second closed end as recited in claim 11. Applicants' specification teaches a tapered container to promote material flow. Reliance on Applicants' own disclosure or teaching to provide the motivation to modify a reference is improper and accordingly, the Office Action fails to support rejection of claim 11 under 35 U.S.C. § 103(a).

Claim 23 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Leight in view of Goudy, Jr. et al. (U.S. Patent No. 4,662,538). Claim 23 is dependent upon claim 24 which is allowable over the combination of Leight and Goudy and accordingly allowance of claim 23 is respectfully requested.


Claim 41 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lund in view of Goudy. Claim 41 is dependent upon amended claim 1 which is allowable over Lund and Goudy. Claim 41 was rejected *inter alia* on the basis that Goudy teaches multiple rotation directions. The rejection of claim 41 does not mention or consider the opposed angled surfaces relative to multiple rotation directions as recited in claim 41. Accordingly, Applicants respectfully request reconsideration and allowance of claim 41 based upon each of the recited claim limitations.

Based upon the foregoing, Reconsideration and allowance of claims 1-6, 8-17, 19-21, 23-26 and 34-42 are respectfully solicited.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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